

2019 Submission - Royal Commission into Victoria's Mental Health System

SUB: 0002.0026.0040

What are your suggestions to improve the Victorian community's understanding of mental illness and reduce stigma and discrimination?

"The lack of honesty around bullying in the government sector is a very serious cause of poor mental health and indicates the government says one thing (supportive of mental health) while allowing the opposite to happen (enabling government agencies to treat victims of bullying atrociously). This is compounded by the lack of community education on workplace bullying, putting Australia decades behind more enlightened countries of comparable development. First recommendation: - Honesty on the high levels of bullying in the Victorian government sector, including in adult and higher education (not hiding the problem through fighting victims and forcing them out of work) while perpetrators are defended and kept in employment, no matter the great injustice and damage done to victims; - Support and fair ethical treatment of victims, stopping the shocking way so-called investigators and the entire WorkCover system treat people ie with contempt; - Retrospective help for the people whose lives have been destroyed by bullying in government employment, and by the ""tactics"" of WorkCover. Second recommendation: - Community wide education on workplace bullying so people understand it is not a joke but extremely damaging to the brain, and causes numerous serious cardiovascular, musculoskeletal, intestinal and neurological conditions, and is closely associated with suicide and family breakdown. "

What is already working well and what can be done better to prevent mental illness and to support people to get early treatment and support?

"Nothing that I saw. The conduct of HR and management personnel, and the WorkCover system was extremely damaging and could conceivably have extremely serious outcomes beyond severe impacts on mental and physical health, putting lives at risk."

What is already working well and what can be done better to prevent suicide?

"As above. Notably, in 2011, Monash University researchers, Virginia Routley and Joan Oxanne-Smith reported bullying was a factor emerging from their study into work-related suicides in Victoria: ""Work stressor cases identified included business difficulties, recent or previous work injury, unemployment/redundancy or conflict with supervisors/colleagues (including workplace bullying). Work-related suicide is a substantial problem, for which few detailed population wide studies are available. "" https://www.researchgate.net/publication/51845089_Work-related_suicide_in_Victoria_Australia_A_broad_perspective Note also the media article below reporting teachers being driven to contemplate suicide by staffroom bullying. Also, at the consultations for the 2012 Federal Inquiry into Workplace Bullying, evidence was given of a woman being on suicide watch after WorkCover spent around a million dollars fighting her claim after being bullied at work. That can be heard on the tape recordings of the consultations. Men and women were in tears recounting the horrific treatment they had experienced in Victoria, often in the health and education sectors, and some in the private sector. I recommend listening to

those tapes and also reading the report from it, "We Just Want It To Stop." All submissions are on the Parliamentary website.

https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/report.htm

https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ee/bullying/subs.htm From the media on this Inquiry: Workplace bullying an everyday occurrence in schools, say teachers, news.com.au, 24 Sept, 2012: NEARLY every teacher has endured workplace bullying according to the Australian Education Union. And submissions into a government inquiry on the issue have revealed a culture of character assassination, threats and spying within our schools. Teachers have spoken out against the tide of bullying in schools nationally, asking how they can possibly stop schoolyard taunts when they are being victimised themselves. Heartfelt submissions to a federal parliamentary inquiry into workplace bullying document screaming matches, character assassination, threats and spying, with many pointing to principals as the prime perpetrator. Stories reveal teachers pursued by their superiors until they break down and transfer or quit the profession all together. Some contemplate suicide. Those who stand up for colleagues risk being bullied themselves and overlooked for promotion, according to the submissions. The Australian Education Union's submission to the inquiry said a survey found 99.6 per cent of educators had experienced at least one of 42 bullying behaviours at some stage of their careers. It says perpetrators are peers, senior staff, principals, parents and students, but teachers also accuse their colleagues of bullying students as well. Victims say government departments and non-government school superiors do everything they can to protect the bullies who are often in positions of power. Case studies submitted to the inquiry come from across the nation and different school systems and include a South Australian special education teacher who said a campaign against her began when she mandatorily reported her principal for emotionally abusing students. She eventually went on stress leave with depressive symptoms and gastro-intestinal bleeding. A NSW public school teacher said she developed an anxiety disorder and her 24-year career was in tatters after a group of women, led by a head teacher, bullied her. A rural Victorian college teacher said her principal was verbally abusive back-stabbing, made unfounded accusations and physically threatened his staff, despite 10 formal complaints against him. The inquiry is investigating bullying in all workplaces and could see the national rollout of Brodie's law - criminal legislation in Victoria named for bullied waitress Brodie Panlock, who committed suicide in 2006. The submissions to the inquiry come less than a week after The Advertiser reported on the rising tide of cyber bullying teachers have had to endure - often at the hands of parents - prompting the Education Department to issue a memo to the state's 555 public schools detailing the problem. One teacher asked the committee: "How can we stop bullying of students when even the teachers are bullied?" In another letter to the inquiry, a former high school teacher said she contemplated suicide after "three years of hell" at the hands of her principal. "I had stopped sleeping through the night. I would take the dog for a walk and cry in the dark," she said. "When I woke at night, I would go into the garden to weep so my daughter wouldn't hear me. It is particularly sad that this can happen between adults in schools at a time when so much focus is given to bullying between students." The AEU said bullying was clearly not the "infrequent behaviour of a few bad apples" and complaints procedures were biased towards management and preserving the status quo. The Independent Education Union said non-government schools were often totally without any policies in place. It's estimated workplace bullying costs up to \$36 billion a year in workers' compensation and lost productivity. For help phone Lifeline 13 11 14 or Kids Helpline 1800 55 1800. Originally published as Teachers bullied by own principals <https://www.news.com.au/finance/work/workplace-bullying-an-everyday->

What makes it hard for people to experience good mental health and what can be done to improve this? This may include how people find, access and experience mental health treatment and support and how services link with each other.

"Working as a teacher in the adult sector of the Victorian public service, I witnessed and experienced extreme bullying mistreatment of staff and the escalation of that when it was reported to management and WorkSafe. I saw no respect for mental health at all. Rather, teachers' mental health was treated at best as irrelevant and at worst as a joke and treated with contempt. The gossip about it was disgusting. I saw the bullying of staff into a breakdown and nothing was done to stop that happening. In fact, it was worse for the next person. The very serious problems involved were reported to many authorities, including management, the Department of Education, so-called watchdogs (WorkSafe, VHREOC, Ombudsman) and MPs. Not one person or organisation helped or took it seriously. A number made it much worse, including WorkSafe. There was no expertise or even interest in stopping people being bullied into ill health. The only interest was in avoiding legal liability, through ignoring, diminishing and/or invalidating the person's account, and trying to make out they were somehow at fault for the abusive conduct of others. The entire focus was on forcing the bullied staff out of their employment, no matter how destructively that occurred, with no mitigation of damage to the person although the entire bullying experience caused serious health problems, including depression, anxiety and PTSD. It could conceivably lead to suicide. It's breathtaking that a government which publicly professes to respect mental health allows this to occur and funds the agencies and departments to tenaciously fight any staff who report bullying and sexual harassment, as if they are the villains. They are not and should not be treated so unjustly. It is appalling that people already bullied into ill health are then forced out their job to punish them for trying to get it to stop by reporting it but that is the reality in Victoria. It has occurred under both Labor and Liberal governments."

What are the drivers behind some communities in Victoria experiencing poorer mental health outcomes and what needs to be done to address this?

As above. Stop covering up bullying and defending perpetrators at the expense of victims. Bullying is a high risk to health and to life and it is not being treated seriously in Victoria.

What are the needs of family members and carers and what can be done better to support them?

"Family members are greatly impacted when a person is bullied at work and the stress is known to result in family breakdown. Research has shown children are severely impacted by the stress parents bring home and when parents involuntarily lose their jobs, with children's academic performance impacted, often having to repeat years at school. Yet, bullying and sacking people who report it and sexual harassment are commonplace in the Victorian government sector. From the media, this report shows 80,000 public servants bullied at work a year. Their families and friends would also be seriously impacted, amounting to hundreds of thousands of people impacted. As with the 2012 Federal Inquiry into Bullying, there was no response from the Victorian government after it was published. * 80,000 public servants hit by bullying each year, Herald Sun, 25 May, 2010 MORE than 80,000 police, teachers, nurses and other Victorian public servants confront bullies in their workplace each year. A Department of Environment and Sustainability worker committed suicide last month after two years of alleged verbal bullying by a manager. WorkCover is investigating. ... the Government has been accused of failing to clean up

its own backyard, with the number of public servants experiencing bullying up from 34 per cent to 36 per cent in the last annual survey. "You're twice as likely to be bullied working for government than for any other employer, yet their WorkSafe campaigns always focus on others employers," public sector union boss Karen Batt said. Ms Batt said the Government's response to public service bullying was to change the law to limit access to compensation for the effects of bullying. "And they continue to hide last year's workforce survey data, which is now more than 100 days late from being made public despite repeated requests for its release," she said. The 2009 People Matter Survey is believed to show bullying in the public sector has risen further in the past year. A "Trends in Bullying and Harassment" report based on the 2008 survey has also been kept secret since it was produced last June."

What can be done to attract, retain and better support the mental health workforce, including peer support workers?

"Everyone impacts on the mental health of other people so proper community education is vital but has never happened. It is particularly shocking that the government allows its agencies and departments to pay so-called "investigators" of workplace bullying when these people require no minimum education or training and no credentials. There are no ethical standards or checks and balances, and there is no external complaints mechanism. They can virtually do as they wish when dealing with people bullied into serious ill health, with no understanding of OHS, mental health or bullying. The entire focus seems to be on helping the state employer force this person to unfairly lose their employment. It is hard to imagine a more cruel and unjust way to treat anyone, let alone a greater risk to mental health. See: Bullying investigations: unfair and brutal by Josh Bornstein, Australian Financial Review, 8 April, 2014 "When an employee builds up the courage to make a complaint to management about a serious issue in the workplace sexual harassment, bullying or other misconduct there is usually an expectation of an independent and impartial investigation. Although it is common for more minor issues to be dealt with in house, there has been a trend to outsource the conduct of workplace investigation to third parties ostensibly to ensure independence and impartiality. Despite the growing size of this workplace investigator industry, in the private sector it is largely unregulated. Anyone can set up a business and call themselves a workplace investigator. While most investigators come from human resources or legal backgrounds, there is no qualification or accreditation needed to become a workplace investigator. This means the quality of work varies widely. Outsourcing a function does not always mean that an organisation relinquishes control. And so it is with workplace investigations. Behind the scenes in many investigations, the company is exercising control over the process and engineering its desired outcome. Employees, whether the aggrieved complainant or the subject of the investigation are completely unaware. ... For traumatised victims of workplace bullying or sexual harassment, this brutal approach risks further damage to mental health. In a significant number of cases, employees are left with a distinct impression that the process and outcome of the investigation has been manipulated by the employer. ..." These "investigators" can write reports that contain material which is entirely untrue and which besmirched the person's name and record, as well as factually incorrect. There is no control on collusion or other contamination of truth. Yet, there is nothing the person can do to get this corrected. The only option is to take it to court which is almost always impossibly expensive and/or prevented by ill health. There is no ethics in any of this. It is a shocking experience to put already injured people through and arguably a great breach of humanity and human rights, as well as profoundly damaging to people's health. I saw how the Victorian government provided the public money for the use of top law firms and so-called "investigators" to use against people bullied in the workplace to force staff out of work unjustly and without natural justice. None of these so-called investigators were trained in mental

health and their methodology was disgraceful. I am willing to discuss that experience privately. Nobody should ever be subjected to such treatment, least of all when there is already medical evidence of serious health damage from bullying, including PTSD. "

What are the opportunities in the Victorian community for people living with mental illness to improve their social and economic participation, and what needs to be done to realise these opportunities?

"For a start, stop WorkCover and employers acting to collusively force staff injured by bullying out of work. The system should be preventing bullying or at least helping people recover and get back to work but that is not what I saw. What I saw was that the government defended perpetrators and the WorkSafe system was only interested in denying and invalidating - not listening to - the person and forcing the worker out of their job. In these ways, the government enabled great damage to be done to people by grossly irresponsible conduct in the workplace. Further: ""A report from the Australian Institute of Criminology shows there was a covert agreement between organisations and workers' compensation insurers to decline claims of stress related to bullying (Perrone 1999) and this is reflected in the current study."" Bradbury, Linda. Deakin University. 2010. Bullied teachers are resilient: Time for organisations to be legally accountable - honestly! in A Scholarly Affair CSAA 2010 National Conference Proceedings"

Thinking about what Victorias mental health system should ideally look like, tell us what areas and reform ideas you would like the Royal Commission to prioritise for change?

"As indicated: - Stop hiding the bullying problem in the public sector and stop defending perpetrators, causing even further damage to victims. - Have an especially trained Ombudsman's office to investigate unfair and unethical conduct on bullying and mental health by Victorian government agencies and departments, including WorkCover. The present Ombudsman could not be less helpful, shrugging off these serious matters and investigating WorkCover's treatment of some vlsoms but not other people's - we all pay taxes and all people should be treated equally by the Ombudsman. The fact that that does not happen exacerbates all other problems. - In all, stop the many layers of abuse experienced by victims of bullying in the government sector, and provide restorative help for people who have been treated so badly and unjustly by agencies of the Victorian government and WorkCover. - It is well-known that WorkCover does everything possible to knock out claims of mental injury at work, and the same so-called ""independent medical examiners"" (psychiatrists) are used by insurers to prevent these injured workers getting any help, let alone justice. When the government allows WorkSafe/Cover to be operated in the interests of multinational insurance companies, it is clearly not caring about mental health. From the media in Qld, quoting psychiatrist Dr William Wilkie: "" ... This raises the issue of hired guns. There are psychiatrists in this town who ... will damage a person's credibility on cue - they are like attack dogs.' A common trick was to examine someone who had been left traumatised, nervy and depressed by workplace conflict and to report a diagnosis as if it had been a pre-existing condition. ""They have saved insurance companies lots and lots of money. The whole situation is just deplorable,"" he said. ""I've seen cases where a number of people have come out of one workplace and WorkCover know full well it's a toxic workplace but there does not seem to be any interest in doing anything."" Doctor Tells of Medical ""Hitmen"", Daryl Passmore, The Sunday Mail (QLD), news.com.au, October 31, 2004 (<https://www.badapplebullies.com/contact.htm>)"

What can be done now to prepare for changes to Victorias mental health system and support improvements to last?

N/A

Is there anything else you would like to share with the Royal Commission?

"From the highly respected Workplace Bullying Institute, USA: Bullying causes injuries, albeit psychological in nature and unseen, as surely one can be injured from physically unsafe conditions at work. these are injuries. Depression starts in bullied workers who never experienced it before. When the "way out" seems unattainable and no alternatives can be imagined, some people contemplate suicide. In the WBI 2012-D Study, 29% of bullied targets considered suicide and 16% had a plan. PTSD is terribly misunderstood by bullied targets and witnessing coworkers and family members. Trauma's onset is typically delayed and it lasts long after removal from traumatizing conditions. Events that sustain PTSD and prevent the start of healing include fighting back with your employer, the tortuous multi-step years-long grievance process dragged on by your employer, disability or workers comp insurance claims, The problem of re-triggering the trauma, months or even years later is not a weakness on your part. Rather, it is proof of the intensity of the trauma you endured.'

<https://www.workplacebullying.org/individuals/impact/mental-health-harm/> Working for the Victorian government, I saw the most appalling conduct I have ever seen in decades in the workforce, and all unwittingly funded by the taxpayer. There has never been any accountability by those responsible nor any care what happened to people treated in this shocking way. It is therefore very ironical that the government is now holding a royal commission to give the impression that mental health is important. That is certainly not what I saw across many years. What I saw was that the government defended perpetrators and the WorkSafe system which should have prevented all this, or at least provided health support, was only interested in forcing the worker out of their job. In these ways, the government enabled great damage to be done to people by grossly irresponsible conduct in the workplace. I saw exactly how mental health was treated and the appalling statements written about it by people funded by taxpayers. It flatly contradicted what was and still is said publicly as policy by the government. In other words, there are parallel universes. In one, the government makes impressive public statements on mental health and its importance. In the other universe, out of sight, behind closed doors, exactly the opposite happens and phenomenal damage is done to people. As noted previously, this was reported to management, the Department of Education, so-called watchdogs (WorkSafe, VHREOC, Ombudsman) and MPs, and not one person or organisation helped or took it seriously or helped. There was nowhere to turn and no help. The system which could and should have helped was neither competent not ethical and treated the person who needed help appallingly, as some sort of inconvenience to be blocked and forced out of work. There was no apparent code of ethics, no checks and balances, no justice, no humanity and no accountability. It seemed this system enabled people to make a great deal of money out of the misery caused by bullying, not helping those suffering but enabling the perpetrators to get away with it. The top priority needs to be for the government to stop funding its organisations to use top tier law firms and so-called "investigators" against victims of bullying with no resources to make them and their experiences "disappear", regardless of the injustice and extreme damage done to people's mental and physical health, and families, forcing taxpayers to pick up the costs for negligent employers. The extreme problems with bullying in the public sector are well-documented and need a royal commission with proper redress. From the media: "Victorian public servants are almost 25 per cent more likely to be bullied than their interstate colleagues or private sector workers. particularly high rates of bullying among education and healthcare workers staff at WorkSafe, the agency charged with protecting Victorian workers from workplace bullying, have accused their own bosses of bullying." The Age 11 April, 2011 "Insurance agents working for WorkSafe have reaped

rewards for unfairly denying payments to injured workers, Victoria's chief complaints investigator has found. ... The report's release comes one day after Fairfax Media revealed insurance companies were using dirty tricks to avoid paying out entitlements. ..."" WorkSafe system failing 'particularly vulnerable people': Ombudsman, The Age, 12 Sept, 2016 ""Victoria's work safety authority is paying lawyers millions of dollars in confidential bonuses to minimise payouts in compensation cases brought by alleged victims of workplace accidents. "" WorkSafe pays law firms bonuses to minimise victims' payouts, Sydney Morning Herald, 26 Nov, 2013 There are many issues of conflict of interest, including WorkCover being both the decision-maker and beneficiary of rejected claims, with mental injury claims seen as easy to knock out. Also: Monash University Report It is now six years since the 2002 crisis in insurance. It can now be observed that the attributed cause of the crisis - an explosion in common law personal injuries claims - was overstated. It is also evident that the legislature's solution to the crisis was excessive. Statutory amendments took away from injured plaintiffs the right to sue - to the benefit of negligent tortfeasors and their indemnifiers. They assisted private corporations' return to profitability by depriving the injured of the right to compensation. Accordingly, it is now time to consider other alternatives: if not a return to an unfettered common law (the limitations of which have often been discussed), then perhaps other alternatives, including broad-based no fault compensation such as that in use in New Zealand.' Field, Andrew. Monash University. 2008. There must be a better way: Personal Injuries Compensation since the 'Crisis in Insurance'. The adversarial approach to dealing with bullying is inappropriate and very damaging, given the great imbalance of power and resources involved. It almost guarantees injustice and damage to already injured people. WorkCover also escalates even simple claims to court, knowing people do not have the money or health to deal with that, forcing valid claims to be therefore dropped. The late psychiatrist, Dr Jean Lennane wrote of court cases: if the injured person then tries to obtain redress through the justice' system, they are likely to suffer further injury from the system itself - in some cases, more severe and damaging than the original one. Plaintiffs then have to cope with the tactics of large organisations with money, who can and do use the legal processes to exhaust the plaintiffs' emotional and financial resources, until they are forced to give up and go away, or to settle, usually badly Once in court, plaintiffs face major problems with bullying - an integral part of the adversarial system. Whether the plaintiff has suffered a brain injury that is the subject of the case, or is intellectually disabled, psychiatrically or physically ill, or a child, seems to make no difference psychiatric injuries are inflicted by our court system every day - negligently, and sometimes wilfully as a deliberate strategy - and no-one is ever held accountable.' Source: Battered Plaintiffs - injuries from hired guns and compliant courts, Jean Lennane, University of Wollongong, 2000 https://www.uow.edu.au/~bmartin/dissent/documents/Lennane_battered.html In all, the entire system is counter to good mental health. It enables perpetrators of bullying to do prolific damage, victims to be so damaged they go from productive good health to disability, injustice to prevail, and mental ill health and injuries to surge without anything to stop that happening. The treatment of victims is appalling and system-wide. There is great betrayal in having government policies which promise health but, behind the scenes, do the exact opposite with people who entrust to them in good faith. I hope this Royal Commission will act on the role of bullying in causing serious mental health damage, so good health is protected from this wasteful attrition and the modelling of ""successful"" bullying stops. The money going into watchdog systems like WorkCover should not be rewarding those who block people getting help but actually delivering help. WorkCover is supposed to help people recover and get back to work but it seems to take the easy way out by helping the employer ""get rid of"" staff bullied into ill health. Why has the government not been doing anything about that when it is so damaging to people? From the media: ""Victorian public servants are almost 25 per cent more likely to be bullied than their interstate colleagues or private

sector workers. particularly high rates of bullying among education and healthcare workers staff at WorkSafe, the agency charged with protecting Victorian workers from workplace bullying, have accused their own bosses of bullying." The Age 11 April, 2011 ""Insurance agents working for WorkSafe have reaped rewards for unfairly denying payments to injured workers, Victoria's chief complaints investigator has found. ... The report's release comes one day after Fairfax Media revealed insurance companies were using dirty tricks to avoid paying out entitlements. ..."" WorkSafe system failing 'particularly vulnerable people': Ombudsman, The Age, 12 Sept, 2016 ""Victoria's work safety authority is paying lawyers millions of dollars in confidential bonuses to minimise payouts in compensation cases brought by alleged victims of workplace accidents. "" WorkSafe pays law firms bonuses to minimise victims' payouts, Sydney Morning Herald, 26 Nov, 2013 Please also read about the damage done by institutional betrayal, when people report bullying and/or sexual harassment and experience betrayal from the system that should help them: <https://dynamic.uoregon.edu/jjf/institutionalbetrayal/> Thank you."